

SB 108

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 108

(By Senator CRAIGO,)



PASSED MARCH 13, 1998

In Effect NINETY DAYS FROM Passage

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ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 108

(SENATOR CRAIGO, *original sponsor*)

[Passed March 13, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to including the use of mace or pepper spray in the definition of aggravated robbery.

Be it enacted by the Legislature of West Virginia:

That section twelve, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-12. Robbery or attempted robbery; bank robbery and assaults in committing or attempting; penalties.

1 (a) Any person who commits or attempts to commit
2 robbery by partial strangulation or suffocation, or by
3 striking or beating, or by other violence to the person, or
4 by the threat or presenting of firearms, other deadly
5 weapons or instrumentalities, by the use of mace, pepper
6 spray or similar disabling chemical substance or by the
7 use of a stun gun or similar electronic shock device, is
8 guilty of a felony and, upon conviction, shall be impris-
9 oned for not less than ten years. Any person who commits
10 or attempts to commit a robbery in any other mode or by
11 any other means, except as provided for in subsection (b)
12 of this section, is guilty of a felony and, upon conviction,
13 shall be imprisoned for not less than five nor more than
14 eighteen years.

15 (b) (1) Any person who, by force and violence or by
16 putting in fear, feloniously takes, or feloniously attempts
17 to take, from the person or presence of another, any
18 property or money or any other thing of value belonging
19 to, or in the care, custody, control, management or posses-
20 sion of any bank, is guilty of a felony and, upon convic-
21 tion, shall be imprisoned for not less than ten nor more
22 than twenty years; and (2) Any person who, in committing
23 or in attempting to commit any offense defined in subdivi-
24 sion (1) of this subsection, assaults any person, or puts in
25 jeopardy the life of any person by the use of a dangerous
26 weapon or device, is guilty of a felony and, upon convic-
27 tion, shall be imprisoned for not less than ten nor more
28 than twenty-five years.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Ray Schanover
.....
Chairman Senate Committee.

Nick Santora
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Bernie Adams
.....
Clerk of the Senate

Gregory A. Gray
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Frank
.....
Speaker House of Delegates

The within *disapproved* this the *25th*
day of *March* 1998.

Bill Anderson
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/98

Time 10:30 am